

JODI LINKER
Federal Public Defender
Northern District of California
KARTHIK RAJU
Assistant Federal Public Defender
19th Floor Federal Building - Box 36106
450 Golden Gate Avenue
San Francisco, CA 94102
Telephone: (415) 436-7700
Facsimile: (415) 436-7706
Email: Karthik_Raju@fd.org

Counsel for Defendant ROBERTSON

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESSE LEE ROBERTSON,

Defendant.

Case No.: CR 23-139 JD

**DEFENDANT'S SENTENCING
MEMORANDUM**

Court: Courtroom 11, 19th Floor

Hearing Date: October 28, 2024

Hearing Time: 10:30 a.m.

INTRODUCTION

Jesse Robertson pleaded guilty to the serious charge of possessing a firearm while addicted to drugs. He is 50 years old and lives in Grants Pass, Oregon. Apart from this case, he has a single, five-year-old conviction for possessing drugs. He successfully completed probation on that case and no allegations of sale or distribution were made. Mr. Robertson has absolutely no history of violence, but he has suffered from decades of severe drug addiction.

After Mr. Robertson got clean in 2018, he relapsed shortly thereafter. He continued to struggle with his two-decade old addiction, and he returned to heavily using opiates, fentanyl and methamphetamine. In 2023, shortly following his initial appearance in this case, Mr. Robertson entered inpatient treatment at Oxford House in Oregon. He successfully graduated from the program, and he has been sober for **15 months**. Moreover, since this case began more than one year ago, Mr. Robertson has been supervised by pretrial services and has incurred no violations, including not a single positive drug test. To be sure, Mr. Robertson has not used any drug since he entered treatment more than one year ago. He now resides in a sober living house (SLE) in Grants Pass, Oregon.

Indeed, his arrest in this matter has remarkably changed the direction of Mr. Robertson's life. This is the first time in 20 years he has been sober for a significant amount of time. He recently enrolled in college classes. Mr. Robertson yearns to use the lessons he learned in overcoming his addiction to help others by becoming a drug treatment counselor. Accordingly, Mr. Robertson kindly requests that the Court impose a sentence of time-served to be followed by three-years of supervised release. Such a sentence is appropriate based on the factors delineated in 18 USC § 3553(a).

PERSONAL BACKGROUND

Jesse Lee Robertson, 50, was born in Sacramento, California, to Clifford Alan Robertson, 80, a retired employee of the Del Norte County California Youth Authority, and Darlene Ellen Monaco, 77, a caretaker. He has two paternal half-siblings and a maternal half-brother. He also has two brothers: Zephaniah Robertson, 52, with whom he has no contact, and Bodhan Robertson, 48, a

1 disabled veteran receiving treatment at the VA Rehabilitation Center in White City, Oregon. *See* PSR
 2 at ¶ 47.

3 Mr. Robertson completed his high school education at American Legion High School in Oak
 4 Park, California, in 1992. He later attended American River College in Sacramento but did not obtain
 5 any degree or certificate. Now, hoping to better himself, he is presently studying at Rogue
 6 Community College in Grants Pass. *Id.*

8 ARGUMENT

9 **I. A Sentence Of Time-Served Followed by Three Years of Supervised Release Is A** 10 **Reasonable Sentence To Achieve The Goals Of § 3553(a)**

11 In sentencing Mr. Robertson, this Court must consider all of the directives set forth in 18
 12 U.S.C. § 3553(a); the Guidelines are only one factor among many to be considered by the Court. *See*
 13 *United States v. Booker*, 543 U.S. 220 (2005); *Kimbrough v. United States*, 128 S. Ct. 558, 570
 14 (2007). “The overarching statutory charge for a district court is to impose a sentence sufficient, but
 15 not greater than necessary” to achieve the goals of § 3553(a). *United States v. Carty*, 520 F.3d 984,
 16 991 (9th Cir. 2008) (internal quotations omitted). Those goals include the need to: (1) reflect the
 17 seriousness of the offense; (2) promote respect for the law; (3) provide just punishment for the
 18 offense; (4) afford adequate deterrence to criminal conduct; (5) protect the public from further crimes
 19 of the defendant; and (6) provide the defendant with needed educational or vocational training,
 20 medical care, or other correctional treatment in the most effective manner. *See* 18 U.S.C. §
 21 3553(a)(2). Section 3553(a) also directs the Court to consider additional factors, including: the nature
 22 and circumstances of the offense, § 3553(a)(1); the history and characteristics of the defendant, §
 23 3553(a)(1); the kinds of sentences available, § 3553(a)(3); the sentencing guideline range, §
 24 3553(a)(4); pertinent Sentencing Commission policy statements, § 3553(a)(5); the need to avoid
 25 unwarranted sentencing disparities, § 3553(a)(6); and the need to provide restitution to any victims of
 26 the offense, § 3553(a)(7).
 27
 28

1 The Pre-Sentence Report (“PSR”) has calculated a final offense level of 17 and a Criminal
2 History Category (“CHC”) of I, resulting in an advisory Guidelines range of 24-30 months. Mr.
3 Robertson agrees with the CHC and guidelines calculations.

4 The defense and government reached a plea agreement pursuant to FRCP 11(c)(1)(c). Both
5 parties agree that Mr. Robertson should be sentenced to time-served and a period of supervision when
6 he successfully completes the drug treatment in which is currently receiving treatment. Should Mr.
7 Robertson be unsuccessful, a violation will be filed, and the government can request any sentence;
8 the defense is bound to ask for no less than 75% of the low-end of the guidelines.
9

10 **A. The nature and circumstances of the offense**

11 Mr. Robertson accepted responsibility by pleading guilty to the sole count in the indictment
12 before trial. On June 23, 2024, before Your Honor, he admitted without equivocation that he
13 unlawfully possessed the firearm on the date in question. Not once has Mr. Robertson ever used or
14 displayed the firearm. It was in the trunk of the vehicle because Mr. Robertson was struggling to keep
15 a roof over his head and had no place to safely store a gun. While Mr. Robertson possessed the gun, it
16 was never used in a crime, and ballistics/NIBIN testing shows the gun was not used in any crimes
17 anywhere. Mr. Robertson was in the throes of methamphetamine and fentanyl addiction on the date
18 of incident. He was using daily and would suffer severe withdrawal symptoms without constant use.
19 Indeed, he was always high.
20

21 Mr. Robertson had heard from others that fentanyl was readily available in San Francisco, and
22 so he and friend drove there from Oregon on June 23, 2024. Upon arrival, a police officer engaged
23 with the passenger in the car Mr. Robertson was in, and officers observed drugs in the passenger
24 compartment. Officers proceeded to search the vehicle and recovered the firearm from the trunk.
25

26 What Mr. Robertson stands convicted of in the instant matter is a non-violent offense that
27 stemmed from severe addiction that caused him to make poor decisions. Mr. Robertson
28

1 wholeheartedly regrets his conduct and recognizes that his actions were unlawful and fully
2 inconsistent with any of Mr. Robertson's previous conduct or the manner in which he wishes to lead
3 his life going forward.

4 Indeed, Mr. Robertson desires to chart a new course where his main considerations are for his
5 sobriety, work, and his college-bound teenage daughter. He intends to not fall back into the old,
6 destructive habits that led him here, and his girlfriend has committed to standing by and assisting
7 him.
8

9 **B. The history and characteristics of Mr. Robertson**

10 Mr. Robertson did not grow up in privilege or wealth. As a child, he lacked the guidance and
11 mentoring needed to overcome the challenges that he would encounter as an adult. Now 50 years of
12 age, Mr. Robertson laments the poor choices he has made that caused him to run afoul of the law. He
13 understands the instant case is serious, but he respectfully asks the Court to meaningfully take
14 account of the sobriety he has at long last achieved, and his sincere remorse and commitment to
15 change.
16

17 Mr. Robertson described his childhood as "tumultuous" beginning at age five. His father was
18 mainly physically and verbally abusive towards his mother, but the abuse also extended to the rest of
19 the family. PSR ¶ 38. After his mother left the house when he was about 10, the abuse then focused
20 on him. He mentioned that he often became a target because he resembled his mother and would
21 intervene to protect his brothers. He also reported being sexualized at a young age, saying he saw and
22 experienced things he should not have but declined to go into detail. In his 30s, he was also deeply
23 impacted by the suicide of a close friend, an incident about which Mr. Robertson has difficulty
24 discussing.
25

26 In 2000, Mr. Robertson married Natalie Perrin in Sacramento, California. They separated in
27 2008 and finalized their divorce in June 2009. Together, they have two children who both live in
28

California and maintain a relationship with their father. Before this marriage, he fathered a daughter with Roseanna Parino, who now resides in Louisville, Kentucky, and stays in touch with him. He also has a 15-year-old daughter with Alicia Gerber. Around 2014 or 2015, Child Protective Services (CPS) opened a case involving this daughter and her half-siblings (Ms. Gerber's children from a previous relationship). Mr. Robertson temporarily became their custodian and foster parent until custody was restored to Ms. Gerber. His daughter currently lives with her mother in Oregon.

Mr. Robertson has been in a relationship with Ivy Tennison for the last two months.

CONCLUSION

Mr. Robertson has been living at The Glens, a sober living facility in Grants Pass, Oregon, since late August. His studio unit, which includes a kitchen and bathroom, was inspected by a Pretrial Services Officer, who found no concerns. He has lived in Oregon continuously since relocating from Sacramento in 2009. Previously, he lived in Cave Junction, Oregon, before moving back to Sacramento to complete high school.

For the reasons set forth above, Mr. Robertson respectfully requests that the Court honor the agreed-upon disposition and sentence him to time-served and three-years of supervised release. Such a sentence is reasonable to achieve the goals laid out in § 3553(a), and is sufficient, but not greater than necessary.

Dated: October 15, 2024

Respectfully submitted,
JODI LINKER,
Federal Public Defender
Northern District of California

/S

KARTHIK RAJU
Assistant Federal Public Defender